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(j) By November 12, 1998, Mississippi must submit either a proposed amendment or a description of an amendment to be proposed, together with a timetable for adoption of proposed revisions to section 6501(c)(4) of the State of Mississippi Surface Coal Mining Regulations to amend the language “or until the order expires pursuant to §53-9-69 or this section” by replacing the reference to “§53-9-69 or this section” with a reference to “section 6509.”

(k) By November 12, 1998, Mississippi must submit either a proposed amendment or a description of an amendment to be proposed, together with a timetable for adoption of proposed revisions to section 6511(a) of the State of Mississippi Surface Coal Mining Regulations to provide the permittee and other interested persons written notice of the time and place of an enforcement hearing provided by sections 53-9-77 and 49-17-41 at least five days prior to such hearing, or otherwise amend its program, to be no less stringent than section 525(a)(2) of SMCRA and no less effective than the requirements of 43 CFR 4.1167 of the Federal regulations.

(l) By November 12, 1998, Mississippi must submit either a proposed amendment or a description of an amendment to be proposed, together with a timetable for adoption of proposed revisions to section 6511(c) of the State of Mississippi Surface Coal Mining Regulations to allow any party to a proceeding to apply for temporary relief, not just the person to whom a notice of violation or cessation order is directed.

(m) By November 12, 1998, Mississippi must submit either a proposed amendment or a description of an amendment to be proposed, together with a timetable for adoption of proposed revisions to section 6511(l) of the State of Mississippi Surface Coal Mining Regulations to remove section 6511(l)(1) or to amend it by removing the reference to section 6511(c) and adding a reference to section 6511(a).

(n) By November 12, 1998, Mississippi must submit either a proposed amendment or a description of an amendment to be proposed, together with a timetable for adoption of proposed revisions to section 6511(n)(9) of the State of Mississippi Surface Coal Mining Regulations to remove the language “grant-

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ing or denying temporary relief” and to clarify that it relates to an expedited review of an order of cessation.

[63 FR 1362, Jan. 9, 1998, as amended at 63 FR 34599, June 25, 1998; 63 FR 43321, Aug. 13, 1998]

§924.17 State regulatory program provisions and amendments disapproved.

The proposed language in section 53-9-55(3), as submitted by Mississippi on May 6, 1997, that allows the commission to promulgate regulations regarding a waiver from the requirement to post a penalty payment bond upon a showing by the operator of an inability to post the bond is disapproved.

[63 FR 1362, Jan 9, 1998]

PART 925—MISSOURI

Sec.

925.1 Scope.

925.10 State regulatory program approval.

925.12 State program provisions and amendments disapproved.

925.15 Approval of Missouri regulatory program amendments.

925.16 Required program amendments.

925.20 Approval of the Missouri abandoned mine land reclamation plan.

925.25 Approval of Missouri abandoned mine land reclamation plan amendments.

AUTHORITY: 30 U.S.C. 1201 *et seq.*

§925.1 Scope.

This part contains all rules applicable only within Missouri that have been adopted under the Surface Mining Control and Reclamation Act of 1977.

[45 FR 77027, Nov. 21, 1980]

§925.10 State regulatory program approval.

The Secretary approved the Missouri regulatory program, as submitted on February 1, 1980, and amended and clarified on May 14, 1980, effective November 21, 1980. He fully approved the Missouri program, as amended on September 7, 1982, and October 13, 1982, effective January 17, 1983. Copies of the approved program are available at:

(a) Missouri Department of Natural Resources, Land Reclamation Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, MO 65102.

(b) Office of Surface Mining Reclamation and Enforcement, Mid-Continent

Surface Mining Reclamation and Enforcement, Interior

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Regional Coordinating Center, Alton Federal Building, 501 Belle Street, Alton, IL 62002.

[64 FR 20167, Apr. 26, 1999]

§ 925.12 State program provisions and amendments disapproved.

The following provisions of the Missouri surface coal mining regulations as submitted on December 14 and 18, 1987, are hereby disapproved:

(a) 10 CSR 40-4.030(4)(A) insofar as it would exempt from prime farmland performance standards coal preparation plants, support facilities, and roads associated with surface coal mining activities.

(b) 10 CSR 40-4.030(4)(B) insofar as it would exempt from prime farmland performance standards water bodies as a postmining land use.

(c) 10 CSR 40-8.010(1)(A)18 the definitions of "coal processing plant" and

"coal preparation plant" insofar as they exempt from regulation certain facilities where coal is subjected to chemical or physical processing or cleaning, concentrating, or other processing or preparation, if they do not separate coal from its impurities.

[53 FR 43869, Oct. 31, 1988]

§ 925.15 Approval of Missouri regulatory program amendments.

The following is a list of the dates amendments were submitted to OSM, the dates when the Director's decision approving all, or portions of these amendments, were published in the FEDERAL REGISTER and the State citations or a brief description of each amendment. The amendments in this table are listed in order of the date of final publication in the FEDERAL REGISTER.

Original amendment submission date	Date of final publication	Citation/description
December 3, 1980, March 12, 1981.	July 23, 1982	10 CSR 40-2.080; 40-3.050; 40-3.100(4)(B); 40-6.010(6), .070, .090(3), (4)(C); 40-7.030(1)(E), .040(2)(C); 40-8.030(5) through (13)(A).
September 7, 1982, October 13, 1982.	January 17, 1983 ...	10 CSR 40-8.030(6)(B)1, (C), (7)(A), (D), (8)(A)1, (E), (9)(A)2, (B), (10)(A), (13)(B), .050(8), .060.
April 13, 1983	May 8, 1984	RSMo 444: .805, .830, .950, .955, .960, .965, .970; 10 CSR 40-3.120, .270; 40-4.030; 40-7.010, .011, .020, .021, .030, .031, .040, .041, .050; 40-8.030.
March 13, 1986	January 7, 1987	10 CSR 40-2.090(6); 40-7.031(3)(B); 40-8.030(1), (6), (7), (17), .040(3), (7), (8).
February 4, 1987	February 26, 1988 ..	10 CSR 40-2.090(5); 40-3.040(2), (6), (17), .110(1), .120(7), .200(2), (16), .270(7); 40-7.011(2), (3), .021(2), .031, .041(1), (2), (3); 40-8.030(6), (18); RSMo 444: .950, .960, .965.
June 22, 1987	June 16, 1988	10 CSR 40-3.010(6), .050, .110(6), .120(8)(A), (D), .170, .210; 40-6.010(3)(C), (5)(C), .030(2)(C), .050(4), .070(2)(C), (6), (7), (8), .090(4), (6), (9), (10), (11), .100(2)(C); 40-8.040(3).
December 14 and 18, 1987.	October 31, 1988 ...	10 CSR 40-2.090(6)(B); 40-3.050(1)(E), .210(1)(E); 40-4.010, .030(4)(C), (5), (6), (7)(A), (B)1 through (8); 40-6.010(6)(A), .020, .040(16), .060(1)(E), (G), (J), (K), (4)(B), (C), (D), .110(16); 40-7.021(4)(B); 40-8.010(1)(A)5, 15, 16, 17, 19, 20, 25, 47, 48, 92, .030(3)(B), .050, .070(2); RSMo 444.730, .800, .805, .950.
August 3, 1988	December 11, 1989	10 CSR 40-3.050(1)(C), (D), (2)(F), (3)(B), (5)(B), (D), .210(1)(C), (D), (2)(F), (5)(B), (D), .160; 40-4.030(4), (7)(B)6; 40-6.070(8)(J), (K), (L), (N), (O).
July 8, 1988	January 8, 1990	10 CSR 40-3.200(2)(B); RSMo 444.535.7(2), .815.6(2).
March 18, 1988	June 5, 1990	10 CSR 40-3.100(2), .120(1), (6)(A), (6)(B)3, (7)(C)2, .250(1)(B), .270(1), (6)(A), (B)3, (7)(C)2; 40-6.040(3)(B), (11)(B), (C), (D), .050(7)(B), (C), (14)(B), .070(8)(E), .110(3)(B), (11)(B), (C), (D), .120(8)(B), (12)(B), (C), .040(8)(B), (C).
June 5, 1989	July 6, 1990	10 CSR 40-6.040(5)(A), (B)1, .050(5)(C), (9)(A) through (E); .060(4)(A), .070(12)(D), .110(11)(B), .120(2)(B)3, (5)(A), (C), (D), (E), (11)(A), (14)(C); 40-8.040(8)(K).
July 21, 1989	October 30, 1990 ...	10 CSR 40-4.080(1), (2); 40-6.040(11)(E)2, 3, .050(5)(C), .060(2)(B), (C), .070(7)(A)3, 8(M), .120(11); 40-8.010(1)(A)5, 18, .045; 40-060(8)(B).
January 12, 1989	January 3, 1991	10 CSR 40-3.040(1)(B), (3)(G), (4)(B)3, (6)(B), (H), (7)(A), (B), (10)(A), (E), (G), (J), (13)(A)1, (B)1.C, .060(1)(B), (F), (H), (K), .080(1)(C), (2)(A), (4)(A), (D)3, (10)(B), (11)(D), .100(2), .110(6), .120(6)(A), (B)2.A through F, (8)(D), .200(1)(B), (3)(H), (4)(B)3, (6)(B), (H), (7)(A), (B), (10)(A), (E), (G), (J), (12)(A)1, (B)1.C, .220(1)(B), (F), (H), (K), .230(1)(C), (2)(A), (4)(A), (D)3, (10)(B), (11)(D), .270(6)(A), (B)2.A through F, .280(1)(C); 40-5.010(2)(C), (E), (3)(B)2, .020(4)(B)1, 2, 4, 5, 6, (C)1, 3, 4, 5; 40-6.060(4)(A)3; 40-8.010(1)(A)59, 79.
July 8, 1988, January 12, 1988.	May 8, 1991	RSMo 444.805(8), (16), .950.1, .2, .3, .4, .960.1, .965.2, .4; 10 CSR 40-7.011(1)(E), (F), (G), (2)(C), (4)(E), (F), (5)(A)4, (B)2, 4, (D), .021(2)(B)4, (D)3, (3), .031, .041(1)(B), 1, (D), (4)(A)2.
November 8, 1991	September 24, 1992	RSMo 444.870.1 through .5, .873.1, .3, .4.

Original amendment submission date	Date of final publication	Citation/description
October 10, 1990	September 29, 1992	10 CSR 40–3.010(5), .030(1)(C), .040(2)(A)1, (4)(B)(3), (6)(B), (C), (D), (H), (Q), (T), (10)(G), (I), .050(6)(C), .060(1)(A), (H), .080(3)(A), (8)(B), (D), .090, .110(3)(A), .120(1)(D), (E), (5), (6)(B)1, 2, A, D, G, I, (7)(C)2, (C)3.A, C, (8)(A)4 through 8, 10, .130(2)(A), (3)(C), (I), .140(1)(A), (D)(1), (3)(D)9, (6)(D), (8)(A), (D)(1), (10)(D)9, (13)(C), (D), (15)(A), (20)(C), (D), .170(5), .190(1)(C), .200(2)(A)1, (4)(B)3, (6)(B), (C), (D), (H), (Q), (T), (10)(G), (I), .210(6)(C), .220(1)(A), (H), .230(3)(A), (8)(D), .240, .250(1)(B), .260(3)(A)1, .270(1)(D), (E), (5), (6)(B)1, 2, A, B, D, G, I, (7)(C)2, 3.A, C, (8)(A)4 through 8, 10, .290(1)(A), (D)1, (3)(D)9, (6)(D), (8)(A), (D)1, (10)(D)9, (13)(C), (D), (15)(A), (20)(C), (D), .300(2)(A), (3)(C), (I); 40–4.030(4)(A), (7)(B)6; 40–5.010(1)(A), (J), (2)(C), (3)(F)1; 40–6.010(2)(E), .020(2)(B)3, (3)(B)3, (5), .030(1)(A), (C), (D), (H), (2)(D), .040(5)(A), (11)(A), (E), (F), .050(7)(A), (B)1, (B)2, (C)1, (C)3, (9)(C)5, (11)(C), (17)(A)1 through 9, (B), (18), .060(4)(A), (E)5, .070(1)(B), (7)(C), (C)2, (F), (G), (8)(I), (L), (10)(B)1.A, (E)2, (11)(A), (B), (13)(E), .100(1)(A), (C), (D), (H), (2)(D), .110(5)(A), (B), (11)(A), (E), (F), .120(5)(C)4, (7)(C), (12)(A), (B)1, (C)1, (C)3, (16), (17)(A)1 through 9, (B); 40–7.011(3)(C), (4)(E), (5)(D)2.C.(II), (III), (D)2.(I), 5, A, B, C, 8, .021(2)(A), (B)1, 5, 6, .031(3)(B); 40–8.010(1)(A)4, 53, 51.B, C, D, I, J, 54, .030(6)(G), (7)(A), .040(5)(B)3, (8)(A), (K), .070(2)(C), .270; 40–4.010; 40–5.010; 40–6.030, .040, .050, .070, .100, .120; 40–7.011, .021, .031, .041; 40–8.010, .030, .040.
October 19, 1992	December 6, 1993 ..	10 CSR 40–3.010, .040, .080, .100, .110, .120, .130, .140, .200, .230, .250, .260, .270; 40–4.010; 40–5.010; 40–6.030, .040, .050, .070, .100, .120; 40–7.011, .021, .031, .041; 40–8.010, .030, .040.
September 24, 1993	April 22, 1994	RSMo 444.870.3, .5 through .8.
February 10, 1995	July 13, 1995	10 CSR 40–3.030(4)(B)2, .040(10)(B)5, .060(1)(L)1, (0), .080(8)(B), .100(5)2, (6), (7), .110(3)1, (3)3, (6)(B), .140(1)(A); 40–6.010(2)(H), .020(2)(A), (3)(A), .030(1)(C), (5)(B), .050(7)(C), (D), .060(4)(D)4, .070(8)(M), (9)(A)1, 2.A, .B, .120(7)(C), (12)(D); 40–8.010(1)(A)72, 84, .030(7)(A), .040(9), .050(2)(B).
March 7 and 28, 1995, December 14, 1995.	May 28, 1996	RSMo 444.805, 830.1, .3, .950.1, .3, .4, .960.1, .5, .965.1, .3, .4, .5; 10 CSR 40–3.120, .270(6)(B); 7.011(1) through (5), .021(2), (5), .041(1), (4).
March 20, 1996	July 24, 1996	RSMo 444.800, .810, .950.
April 16, 1997	August 4, 1997	Section I of Phase III Revegetation Success Standards for Pasture, Wildlife Habitat, Woodland, Industrial/Commercial, Residential, and Recreation.

[62 FR 9945, Mar. 5, 1997, as amended at 62 FR 41844, Aug. 4, 1997]

§925.16 Required program amendments.

Pursuant to 30 CFR 732.17, Missouri is required to make the following program amendments:

- (a) [Reserved]
- (b) By August 6, 1990:
- (1)–(4) [Reserved]
- (c)–(e) [Reserved]
- (f)(1) By November 30, 1992 Missouri must revise 10 CSR 40–3.040(4) and 40–3.200(4), to require the certification of any design criteria set by the regulatory authority as required at 30 CFR 816.43(b)(4) and 817.43(b)(4).
- (2)–(5) [Reserved]
- (g) By July 8, 1991, Missouri shall amend its program as follows:
- (1)–(21) [Reserved]
- (h)–(o) [Reserved]
- (p) By November 30, 1992, Missouri shall amend its program as follows:
- (1)–(3) [Reserved]
- (4) At 10 CSR 40–3.090 and 3.240 by providing performance standards that address air quality in a manner no less effective than the Federal regulations at 30 CFR 816.95(a) and 817.95(a).

(5) At 10 CSR 40–3.120(5) and 3.270(5), by removing or defining the term “range land.”

(6) [Reserved]

(7) At 10 CSR 40–3.120(6)(B)2. A, D, G and 3.270(6)(B)2. A, D, G, by providing statistical proof that a vegetative ground cover of 70-percent will achieve the approved woodland, wildlife habitat, and recreational postmining land use or otherwise amend its program to be no less effective than the federal regulations at 30 CFR 16.116(b)(3)(iii) and 817.117(b)(3)(iii).

(8) At 10 CSR 40–3.120(6)(B)2.E and 3.270(6)(B)2.E, by including a requirement that ground cover on the revegetated area be equal to that of a reference area or other success standards approved by the regulatory authority and by providing statistical proof that a vegetative ground cover of 90-percent of 90-percent (81-percent) will in all cases achieve the approved postmining pasture land use, to make this regulation as effective as the Federal regulations at 816.116 (a) and (b) and 817.116 (a) and (b).

(9) By February 4, 1994, Missouri shall amend its program at 10 CSR 40-3.140(1)(A) by requiring that all exposed surfaces be stabilized in accordance with current prudent engineering practices.

(10) At 10 CSR 40-6.030(1)(I) and 6.100(1)(I), to require that a permit applicant submit information in a format prescribed by OSM to make this regulation no less effective than the Federal regulations at 30 CFR 778.13 and 778.14.

(11) At 10 CSR 40-6.030(2)(C) and 6.100(2)(C), to require any violation of SMCRA to be listed by the operator to make this regulation no less effective than the Federal regulation at 30 CFR 778.14(c).

(12) At 10 CSR 40-6.050(17)(B) and 6.120(15)(B), to provide proof that land surveyors are authorized in the State to prepare and certify plans and drawings for road design or delete the provision.

(13) [Reserved]

(14) At 10 CSR 40-7.011(5)D.8. to require that upon issuance of a cessation order, mining operations shall not resume until the regulatory authority has determined that an acceptable bond has been posted as required by the Federal regulations at 30 CFR 800.16(e)(2).

(15) At 10 CSR 40-7.021(1)(B)2, to establish an administrative record for each normal husbandry practice including repair of rills and gullies and submit these to the Director for approval prior to allowing such practices per the requirements of the Federal regulations as 30 CFR 816.116(c)(4) and 817.116(c)(4) or delete the provision.

(16) At 10 CSR 40-7.021(2)(B) 5 and 6 to relocate its requirement that addresses termination of jurisdiction to an appropriate location in its regulation.

(17) [Reserved]

(18) At 10 CSR 40-8.030(1) (F) and (G), to remove limitations regarding the required number of inspections of abandoned mine sites.

(19) [Reserved]

(20) At 10 CSR 40-8.070(2)(C)1.A.II, to provide appropriate dates for reporting of cumulative production that are no earlier than the date this amendment is published and per the Federal regulation requirements at 30 CFR 702.5(a)(2).

(21) At 10 CSR 40-8.070(2)(C)9.F. (I), (II), and (III), to require in Missouri's enforcement procedures that an operator be cited for violations of; subject to direct enforcement actions for violations of; and comply with the reclamation standards of the applicable reclamation program to make this regulation no less effective than the Federal regulations at 30 CFR 702(d) (1), (2), and (3).

(q) By February 4, 1994, Missouri shall amend its program as follows:

(1) [Reserved]

(2) By September 11, 1995, Missouri shall revise 10 CSR 40-3.110(6)(B) or otherwise modify its program, to clearly require, for areas that have been previously mined, either topsoil or a topsoil substitute, in accordance with its rules at 10 CSR 40-3.030.

(3)-(5) [Reserved]

(r)-(t) [Reserved]

(u) By September 11, 1995, Missouri shall revise 10 CSR 40-6.050(7)(D)(1) and 40-6.120(12)(D)(1), or otherwise modify its program, to require that the description in the fish and wildlife plan must be consistent with, respectively, its performance standards for protection of fish, wildlife, and related environmental values at 10 CSR 40-3.100 and 10 CSR 40-3.250.

[49 FR 19476, May 8, 1984]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 925.16, see the List of CFR Sections Affected in the Finding Aids section of this volume.

§ 925.20 Approval of the Missouri abandoned mine land reclamation plan.

The Secretary approved the Missouri abandoned mine land reclamation plan, as submitted on September 11, 1981, effective January 29, 1982. Copies of the approved plan are available at:

(a) Missouri Department of Natural Resources, Land Reclamation Program, 205 Jefferson Street, Jefferson City, MO 65102.

(b) Office of Surface Mining Reclamation and Enforcement, Mid-Continent Regional Coordinating Center, Alton Federal Building, 501 Belle Street, Alton, IL 62002.

[64 FR 20167, Apr. 26, 1999]

§ 925.25 Approval of Missouri abandoned mine land reclamation plan amendments.

The following is a list of the dates amendments were submitted to OSM, the dates when the Director's decision approving all, or portions of these

amendments, were published in the FEDERAL REGISTER and the State citations or a brief description of each amendment. The amendments in this table are listed in order of the date of final publication in the FEDERAL REGISTER.

Original amendment submission date	Date of final publication	Citation/description
June 22, 1987	June 16, 1988	10 CSR 40–9.060(2), (3), (4).
August 22, 1988	March 15, 1989	Organization; project selection; rights of entry; coordination of reclamation activities; land acquisition, management and disposal; database.
November 29, 1994 ..	August 24, 1995	RSMo 444.810.2 through .8; 444.915.3; 10 CSR 40–9.020(1)(D), (E), (3)(A); AML Plan § 884.13(C)(2), (D)(3), (4).
March 31, 1998	June 24, 1998	AMLR plan sections 884.13(c)(6) and (d)(3); Emergency response reclamation program.

[62 FR 9946, Mar. 5, 1997, as amended at 63 FR 34280, June 24, 1998; 64 FR 20167, Apr. 26, 1999]

PART 926—MONTANA

Sec.

926.10 State regulatory program approval.

926.15 Approval of Montana regulatory program amendments.

926.16 Required program amendments.

926.20 Approval of Montana abandoned mine land reclamation plan.

926.21 Required abandoned mine land plan amendments.

926.25 Approval of Montana abandoned mine land reclamation plan amendments.

926.30 State-Federal cooperative agreement.

AUTHORITY: 30 U.S.C. 1201 *et seq.*

§ 926.10 State regulatory program approval.

The Montana permanent program submitted on August 3, 1979, as amended November 13, 1979; January 4, January 9, January 10, January 12, January 13, January 30, February 1, and February 20, 1980; November 3, 1980; and August 26, 1981, is approved effective February 10, 1982. Copies of the approved program, as amended, are available at:

(a) Montana Department of Environmental Quality, Industrial and Energy Minerals Bureau, P.O. Box 200901, Helena, Montana 59620–0901, (406) 444–1923.

(b) Casper Field Office, Office of Surface Mining Reclamation and Enforcement, 100 East B Street, room 2128, Casper, WY 82601–1918, Telephone: (307) 261–5776.

[59 FR 17932, Apr. 15, 1994, as amended at 64 FR 3610, Jan. 22, 1999]

§ 926.15 Approval of Montana regulatory program amendments.

The following is a list of the dates amendments were submitted to OSM, the dates when the Director's decision approving all, or portions of these amendments, were published in the FEDERAL REGISTER and the State citations or a brief description of each amendment. The amendments in this table are listed in order of the date of final publication in the FEDERAL REGISTER.

Original amendment submission date	Date of final publication	Citation/description
September 13, 1983	January 3, 1984	MCA 82–4–237, –251(4), –254.
April 2, 1984	January 3, 1985	ARM 26.4.1206 through .1209, .1211, .1212.
January 3, 1984	November 18, 1985	ARM 26.4.310, .621 through .626, .1260 through .1263.
July 3, 1985	February 14, 1986 ..	MCA 82–4–231, 232, 254.
April 23, 1987	December 31, 1987	MCA 82–4–203, 222, 223.